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# HARVARD LAW REVIEW.

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INJUNCTIONS FOR PUBLIC PURPOSES.—A matter of great popular interest at the present time, the extent of the power of the courts to issue injunctions, at the suit of the government, in restraint of public nuisances, is well discussed by the Texas court in the recent case of *State v. Patterson*, 37 S. W. Rep. 478. In this case the State brought a bill for an injunction against the keeper of a common gambling-house. The court refused to grant the injunction, on the ground that the case was a purely criminal one, in which it did not appear that any irreparable injury to property or civil rights was threatened. In this conclusion the court was doubtless right. The opinion of Mr. Justice Neill is of great value, however, as showing the true extent of the power to issue injunctions in such cases. It is there strongly asserted, in contradiction to a notion now generally current, that the mere fact that acts enjoined would constitute, if committed, a criminal offence, is no reason why courts of equity should not interfere to prevent their occurrence. And it is also distinctly recognized throughout the opinion that the irreparable injury which the court will interfere to prevent need not be an injury to tangible property, but may be an injury to the civil rights of a private person or of the public. In taking this broad view of the proper use of injunctions the Supreme Court of Texas approves the unanimous opinion of the Supreme Court of the United States in the important case of *In re Debs*, 158 U. S. 564. That these cases are now established law is shown by the very fact that a bill has been proposed in Congress to cut down by statute the power of the Federal courts to enforce such injunctions.

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RECOVERY OF RENT UNDER AN ULTRA VIRES LEASE.—The New York Court of Appeals has further indicated its position on the troublesome doctrine of *ultra vires* in *Bath Gaslight Co. v. Claffy*, 45 N. E. Rep. 390. Plaintiff, a gas company, executed an *ultra vires* lease of its entire plant and franchises. The lessee after occupying for some time